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ENTIRE
DOCUMENT TO
NOTE ALL
CHANGES.
THANK YOU

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**STEVEN WARK,
DEBORAH GENATO,
EDWARD LUGO,
DANIEL SOLOMON,**

Defendants.

) **2:11-cr-00297-LDG-PAL**
) **2:11-cr-00339-LDG-GWF**
) **2:11-cr-00299-LDG-RJ**
) **2:11-cr-00383-LDG-PAL**

) **UNOPPOSED MOTION TO**
) **CONTINUE SENTENCING**

COMES NOW, the United States of America, by and through Denis J. McInerney, Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and Charles La Bella, Deputy Chief, and Nicole Sprinzen and Mary Ann McCarthy, Trial Attorneys, U.S. Department of Justice, Criminal Division, Fraud Section, to continue the Sentencing Hearings in the above-captioned matters currently scheduled for: December 16, 2011 at 9:00am; January 5, 2012 at 9:00am; March 22, 2012 at 10:00am; and, February 23, 2012 at 9:00am respectively. The parties respectfully request this Honorable Court to continue the Sentencing Hearings for at least 8 months to allow time for the defendants to complete their cooperation or, in the alternative, to

1 continue the Sentencing hearings and set a status conference within 6 months to report to the Court
2 on the on-going investigation and the defendants' cooperation in connection with the investigation.

3 This is the first request for a continuance of these Sentencing dates.

4 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following
5 reasons:

6 1. The defendants have entered plea agreements with the United States that require the
7 defendants to cooperate with the United States in connection with its on-going investigation of a
8 fraudulent scheme involving Las Vegas Home Owners Associations. The defendants have begun
9 to cooperate with the United States in this investigation, which involves a number of potential co-
10 conspirators and targets.

11 2. The defendants' Plea Agreements afford the defendants potential consideration for
12 downward departures at the time of sentencing if the defendant has provided substantial assistance
13 to the United States, including the possibility of a United States Sentencing Guideline (U.S.S.G.) §
14 5K1.1 Motion.

15 3. The United States anticipates future pleas, indictments and the possibility of one or
16 more trials of co-conspirators and targets. These events may allow the defendants the opportunity
17 to provide further cooperation as witnesses, including the possibility of testifying at trial.
18 However, the United States expects the resolution of such cases, including any trials in any related
19 cases, to be at least 8 months from the defendants' current sentencing dates.

20 4. Counsel for the United States has spoken with counsel for each defendant and they
21 have agreed that the requested continuance is in the best interest of justice and they do not oppose
22 the continuance sought herein. The defendants are not in custody and remain at liberty on their
23 personal recognizance.

24 5. Denial of this request for continuance would deny the parties sufficient time and
25 opportunity to develop the defendants' cooperation against the related co-conspirators and targets
26 and prepare related cases for prosecution.

6. Furthermore, denial of this request for continuance could result in a miscarriage of justice.

7. The United States also requests an order to exclude the additional time requested by this continuance in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

DATED this 9 day of November, 2011.

DENIS J. McINERNEY
Chief
United States Department of Justice,
Criminal Division, Fraud Section

//s//

CHARLES LA BELLA
Deputy Chief
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United States Department of Justice
Criminal Division, Fraud Section

**UNITED STATES DISTRICT COURT
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) **RULING ON UNOPPOSED**
) **STIPULATION TO**
) **CONTINUE SENTENCING**
) **(First Request)**

FINDINGS OF FACT

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

1. The parties are in agreement to continue the Sentencing dates as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendants from the opportunity to cooperate and potentially receive downward departures at the time of sentencing. This decision is based on the following findings:
 - a. The defendants agreed in their plea agreements to cooperate against their co-conspirators in any related indictments and trials.
 - b. The United States agreed to consider downward sentencing concessions for the defendants' cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation.
 - c. The United States anticipates several additional pleas, indictments and trials in related cases, but not sooner than 8 months from now.

1 d. The parties need additional time to prepare the defendants' cooperation
2 against other co-conspirators and targets.

3 e. The defendants do not object to the continuance.

4 f. The defendants are out of custody.

5 3. For all the above-stated reasons, the ends of justice would best be served by
6 continuing the Sentencing dates.

7 4. The additional time requested by this Stipulation is excludable in computing
8 the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
9 Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

10 **ORDER**

11 **IT IS THEREFORE ORDERED** that the Sentencing dates currently set for 3/22/12 at
12 10:00 am; is continued to: FRIDAY, NOVEMBER 16, 2012 AT THE HOUR OF 10:00 AM. IN
13 LV courtroom 6B before the Honorable Judge Lloyd d. George.

14 IT IS FURTHER ORDERED that a Status Conference in this matter is set for
15 FRIDAY, AUGUST 24, 2012 at the hour of 10:00 am. in LV courtroom 6B before the
16 Honorable Judge Lloyd D. George.

17
18 DATED this 16 day of Nov, 2011.

19
20
21 
22 UNITED STATES DISTRICT JUDGE

23 ******PLEASE NOTE:**

24 When submitting stipulations to continue hearings, do not include more than (1) case
25 number per stipulation since each case in our court has their own assigned case number.
26 Thank you.

PLEASE REVIEW ALL CHANGES TO THIS STIPULATION. ANY QUESTIONS OR
CONCERNS, PLEASE CONTACT THE CLERK FOR THE HONORABLE JUDGE
GEORGE AT: (Judy Harris) 702-464-5438